

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 17-1046V

Filed: July 28, 2020

UNPUBLISHED

ROBERT WILLIAMS,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Special Master Horner

Ruling for Entitlement; Table Injury;
Pneumococcal vaccine (PCV13);
Shoulder Injury Related to Vaccine
Administration (SIRVA)

Leah VaSahnja Durant, Law Offices of Leah V. Durant, PLLC, Washington, DC, for petitioner.

Traci R. Patton, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

On August 3, 2017, petitioner filed a petition under the National Childhood Vaccine Injury Act, 42 U.S.C. § 300aa-10-34 (2012), alleging that as a result of a pneumococcal (“PCV13”) vaccination that he received on February 16, 2016, he suffered a left Shoulder Injury Related to Vaccine Administration (“SIRVA”). (ECF No. 1.) On April 1, 2020, I issued a Findings of Fact, concluding that petitioner experienced onset of shoulder pain within 48 hours of receiving his vaccination.

On July 24, 2020, respondent filed an amended Rule 4(c) report in which he “requests that the special master issue a ruling based on the existing record regarding petitioner’s entitlement to compensation.” (ECF No. 47, p. 2.) Specifically, respondent stated that in light of the special master’s finding of fact regarding petitioner’s onset of left shoulder pain, “respondent advises that he will not defend the case on other

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims’ website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the ruling will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

grounds during further proceedings before the Office of Special Masters.” (*Id.*)
Additionally, respondent reserves his right to a potential appeal of the Findings of Fact ruling and “maintains that a finding of entitlement to compensation cannot be sustained if the Findings of Fact are vacated or overturned on appeal.” (*Id.* at n.2.)

In view of Respondent’s position and the evidence of record, I find that petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Daniel T. Horner
Daniel T. Horner
Special Master